United Nations CEDAW/C/LUX/CO/6-7

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined sixth and seventh periodic reports of Luxembourg*

1. The Committee considered the combined sixth and seventh periodic reports of Luxembourg (CEDAW/C/LUX/6-7) at its 1586th and 1587th meetings (see CEDAW/C/SR.1586 and CEDAW/C/SR.1587), held on 1 March 2018.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined sixth and seventh periodic reports, prepared in response to the list of issues prior to reporting (CEDAW/C/LUX/QPR/6-7). It welcomes the oral presentation by the delegation, the further clarifications provided in response to the questions posed orally by the Committee during the dialogue and the additional information provided in writing.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister for Equal Opportunities, Lydia Mutsch and included representatives of the Ministry of Education, Children and Youth and the Ministry of Health, as well as the Permanent Representative of Luxembourg to the United Nations Office and other international organizations in Geneva, Pierre-Louis Lorenz.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2008 of the State party's fifth periodic report (CEDAW/C/LUX/5) in undertaking legislative reforms, in particular the adoption of the following:

(a) Penal Code amendment of 6 February 2018 strengthening the fight against the exploitation of prostitution, procuring and human trafficking for sexual purposes;

(b) Act of 8 March 2017 allowing women who have lost their Luxembourg citizenship as a result of their marriage to reclaim it as second nationality;

(c) Regulation of 15 December 2016 strengthening the principle of equal pay for work of equal value and introducing the obligation for political parties to ensure

* Adopted by the Committee at its sixty-ninth session (19 February–9 March 2018).

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a quota of 40 per cent of the underrepresented sex on candidate lists for legislative elections and 50 per cent for European elections;

(d) Amendment of 30 July 2013 to the law on domestic violence, inter alia, introducing legal provisions on services that provide assistance to victims;

(e) Act of 13 May 2008 implementing the principles of equal opportunities and equal treatment of women and men in matters of employment.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) National action plan on prostitution, in 2016;

(b) Gender equality plan, 2015–2018, in 2015;

(c) Strategy to achieve a better balance between women and men in economic and political decision-making, in 2014;

(d) National sexual and reproductive health programme, in 2013

Sustainable Development Goals

6. The Committee notes with satisfaction the commitment of the State party to implementing the Sustainable Development Goals and the existence of a mechanism, as well as a budget allocation for that mechanism, to attain them. The Committee recalls the importance of indicator 5.1.1 and commends the State party on its positive efforts to implement both gender-sensitive and sustainable development policies, including measures to combat climate change.

C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Chamber of Deputies, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report.**

D. Principal areas of concern and recommendations

Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

8. The Committee notes with concern that the Convention has been invoked in court only once and that the level of engagement of civil society in the reporting process to the Committee is low. It is concerned that that may indicate insufficient knowledge within the Government and the judiciary and among civil society and the general population, in particular among foreign women and girls, about the Convention, the Committee's jurisprudence under the Optional Protocol to the Convention and its general recommendations.

9. **The Committee recommends that the State party make the Convention sufficiently known, including by swiftly and widely disseminating the Convention, the Optional Protocol thereto and the general recommendations of the Committee among the judiciary, law enforcement authorities, civil society and the general public. In that regard, it reiterates its previous recommendation**

that the State party integrate the Convention, the Optional Protocol thereto and the general recommendations of the Committee into the university curricula for legal and related studies and into capacity-building programmes for the judiciary and law enforcement officers.

Legislative framework and definition of discrimination against women

10. The Committee notes with appreciation that international instruments ratified by the State party take primacy over national laws and welcomes planned measures to accelerate the integration of the principles embodied by such instruments into national legislation under its monist system. It reminds the State party that, under the obligation of due diligence, it may be held responsible should it fail to take all appropriate measures to prevent, as well as to investigate, prosecute and punish perpetrators of and provide reparations for, acts or omissions by non-State actors, including actions taken by corporations operating extraterritorially.

11. The Committee further takes note of the introduction, through the Act of 3 June 2016, of the prohibition of direct and indirect discrimination on the basis of sex into the Labour Code and the law containing general civil service regulations and the existence of such provisions in the law on equal treatment of women and men in the access to and supply of goods and services, as well as the definition of the grounds of discrimination in article 454 of the Penal Code. It is concerned, however, that the legal definition of discrimination does not adequately protect women from intersecting forms of discrimination. The Committee further expresses concern at the general policy of adopting gender-neutral legislation and considers that that may hinder the achievement of substantive equality between women and men, as explained in paragraph 5 of its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.

12. **The Committee calls upon the State party:**

(a) **To legislate on multiple and intersecting forms of discrimination in all settings, in line with article 1 of the Convention, and integrate the prohibition of intersecting forms of discrimination in public policies;**

(b) **To revisit its approach to legislation, policies and programmes by taking a consistent cross-cutting, gender-sensitive approach, in line with paragraph 5 of general recommendation No. 28, and guarantee equality in results.**

Data collection

13. The Committee is concerned about the lack of data, disaggregated by gender, on all areas of the Convention.

14. **The Committee encourages the State party to address data collection in the framework of its efforts to implement Sustainable Development Goal 5 and recommends that it collect data disaggregated by sex, age, nationality, religion and socioeconomic background to accurately assess the situation of women and girls, in order to determine whether they suffer from discrimination, ensure informed and targeted policymaking and systematically monitor and evaluate progress made towards the achievement of substantive equality between women and men in all areas covered by the Convention.**

Extraterritorial State obligations

15. The Committee welcomes the planned establishment of an interministerial monitoring committee for the examination of complaints from persons affected by the actions of enterprises or companies located in the State party and the State party's

commitment to the development of a national action plan on business and human rights, in collaboration with civil society. It is concerned, however, that the State party's financial secrecy policies, its corporate reporting and taxation practices and its incentives for companies registered in Luxembourg and operating abroad have a severe impact on the ability of other States, in particular those already short of revenue, to mobilize the maximum available resources for the realization of women's rights.

16. **The Committee reminds the State party, in line with general recommendation No. 28, about its responsibility for actions affecting the advancement of women and their human rights, irrespective of whether or not the affected persons are under the jurisdiction of the State party. It recommends that the State party:**

(a) **Adopt a national action plan on business and human rights on the basis of the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework and in consultation with civil society organizations in the State party;**

(b) **Expedite the establishment of the interministerial monitoring committee and allocate adequate human, technical and financial resources for its effective functioning and for the implementation of the national action plan on business and human rights;**

(c) **Undertake independent, participatory and periodic impact assessments of the extraterritorial effects of its financial secrecy and corporate tax policies and its commercial activities on women's rights and on the substantive equality of women and men in affected States, ensuring that those assessments are conducted impartially, with public disclosure of both the methodology used and the subsequent findings, and further reviewing its corporate and financial legislation, policies and practices with a view to fully realizing the enjoyment by women of their rights under the Convention, both domestically and abroad.**

Access to justice

17. The Committee welcomes the information provided by the State party on the distribution of information sheets on the rights of victims and available services. It expresses concern, however, about the following:

(a) The lack of court decisions on cases of discrimination against women since the adoption of the Acts of 13 May 2008 and of 3 June 2016 relating to equality of treatment between men and women;

(b) The restricted capacities of the Centre for Equal Treatment, which prevent it from filing complaints on behalf of women who are victims of discrimination or investigating cases of discrimination against women;

(c) Reports indicating the limited funding provided to legal aid services and the resulting reluctance of lawyers to represent victims of violence and discrimination against women, which restricts their capacity to claim their rights;

(d) The low level of awareness among women and girls of their rights, as well as of available remedies and services.

18. **The Committee recommends that the State party, in line with its general recommendation No. 33 (2015) on women's access to justice:**

(a) Raise awareness among the general public of legislation prohibiting discrimination against women and the remedies available to victims, and provide capacity-building for the judiciary on the strict application of such legislation;

(b) Broaden the capacities of the Centre for Equal Treatment to allow it to file complaints on behalf of women who are victims of discrimination, investigate and issue binding decisions in cases of discrimination against women and ensure that women who are victims of intersecting forms of discrimination have access to effective remedies for claiming their rights;

(c) Allocate sufficient resources to ensure that women who are victims of discrimination and gender-based violence but are without sufficient means have access to free legal aid;

(d) Strengthen measures to raise awareness among women and girls of their rights and of available remedies and services.

National machinery for the advancement of women

19. The Committee welcomes the State party's efforts to engage men and boys in initiatives for gender equality. It takes note of the multiplicity of entities engaged in the creation of equal opportunities in the State party. It welcomes the appointment of equality officers in several ministries and government departments. It notes the following with concern, however:

(a) That the Ministry of Equal Opportunities concentrates on promoting equal opportunities, practices a gender-neutral approach and may not be giving sufficient priority to the advancement of women in order to achieve equal rights and substantive equality in all areas of the Convention;

(b) The limited mandate of the Ministry of Equal Opportunities, which falls short of covering the advancement of women in all areas of the Convention and intersecting forms of discrimination;

(c) The absence of a strategic framework for the implementation of the Convention that addresses multiple and intersecting forms of discrimination, gender mainstreaming and gender-responsive budgeting;

(d) The lack of indicators to monitor and evaluate the implementation of the national gender equality plan, 2015–2018, or a tracking system to identify resources allocated to carrying out corresponding activities;

(e) The review of the role of the interministerial committee on equality of women and men, which ensures the coordination between ministries with regard to the implementation of the gender equality plan;

(f) The abolition of gender units in all ministries, whereas equality officers have not yet been nominated in all ministries and government departments, and that not all equality officers have the necessary capacities to ensure cross-cutting implementation of the gender equality plan;

(g) The absence of the collection, analysis and dissemination of data disaggregated by gender, which is necessary to assess the impact and effectiveness of planned and existing activities and programmes for the elimination of discrimination against women in all spheres of life.

20. **The Committee, recalling the guidance provided in the Beijing Declaration and Platform for Action on institutional mechanisms for the advancement of women and on the integration of a gender perspective in legislation, public policies, programmes and projects, encourages the State party to strengthen the**

engagement of men and boys with regard to the advancement of women, in line with the Convention, and recommends that the State party:

(a) Assess the impact of the transformation of the Ministry for the Advancement of Women into the Ministry of Equal Opportunities and of the consequent tendency towards a gender-neutral approach, and evaluate the work carried out with men and boys in terms of achieving substantive equality between women and men;

(b) Review the mandate of the Ministry of Equal Opportunities to include the advancement of women in all areas covered by the Convention and the elimination of intersecting forms of discrimination, including against women belonging to religious, racial and sexual minority groups;

(c) Adopt a comprehensive strategic framework for gender equality for the analysis of the structural factors causing persistent inequalities, including discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, and for addressing those factors and the intersecting forms of discrimination against disadvantaged groups of women, and ensure that the framework provides for gender mainstreaming and gender-responsive budgeting;

(d) Define indicators and a budget to allow for regular assessments of progress achieved in the implementation and of the impact of the gender equality plan, 2015–2018;

(e) Guarantee the continuity of coordination between entities responsible for the implementation of the gender equality plan and ensure that the relevant coordination entity be provided with the necessary mandate, visibility and human and financial resources to effectively carry out its mandate;

(f) Appoint gender equality officers at sufficiently senior levels in all ministries and government departments, strengthen efforts to ensure that all equality officers are provided with adequate technical and financial resources to effectively implement the gender equality plan and integrate their responsibilities as gender equality officers into their work plans as civil servants;

(g) Strengthen efforts to improve the collection of data disaggregated by sex in order to assess the impact and effectiveness of ongoing and future activities and programmes, including in the framework of the gender equality plan.

National human rights institution

21. The Committee is concerned that the Advisory Commission on Human Rights lacks the human, technical and financial resources necessary to effectively carry out its mandate.

22. **The Committee recommends that the State party enhance resource allocation to the Advisory Commission on Human Rights and implement the recommendations issued in 2015 by the Global Alliance of National Human Rights Institutions.**

Temporary special measures

23. The Committee welcomes the recognition by the Minister for Equal Opportunities, during the dialogue, of the necessity for special measures for the achievement of substantive equality between women and men. It also notes as positive the adoption of a minimum quota of 40 per cent for the underrepresented sex on the electoral lists of political parties. The Committee is concerned, however, that the measure is gender-neutral. It is further concerned that the measure does not apply to

municipal councils. It also expresses concern about information it has received on public opposition to temporary special measures for the advancement of women, which constitutes an obstacle to the adoption of such measures for the achievement of equality in such fields as education, employment and health care.

24. **With reference to its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:**

(a) **Continuously raise awareness among politicians, the media and the general public of the fact that the full and equal participation of women, on an equal basis with men in all spheres of life, is a requirement for the effective implementation of the Convention, as well as for the political stability and economic development of the country, and of the necessity of special measures, whether temporary or permanent, for achieving substantive equality between women and men in all areas of the Convention;**

(b) **Introduce gender-specific incentives, time-bound goals, quotas and targets in areas in which women are disadvantaged or underrepresented in both the public and private spheres.**

Stereotypes

25. The Committee welcomes the introduction of the "PIX!-Buch" children's book project and the "MEGASPILL" game, illustrating women and men in non-traditional roles, as well as the emphasis placed on the involvement of men in initiatives for the advancement of women. It remains concerned, however, about the disproportionate participation of women, especially mothers, in part-time work, about that form of employment being offered mainly in low-paying jobs and about the persistence of stereotypes on the traditional roles of women and mothers as caregivers and of men as breadwinners. The Committee is further concerned about the role that traditional and social media play in perpetuating negative and sexist stereotypes and about the indication in the State party report that women's engaging in part-time work allows them to combine professional and family responsibilities.

26. **The Committee recommends that the State party strengthen efforts to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, including by encouraging the mass media, in collaboration with Radio Télévision Luxembourg, to promote cultural change in that regard and by monitoring the portrayal of women in publicly and privately owned media. It further recommends that the State party strengthen capacity-building for politicians, members of Government, civil servants and in the private sector on gender equality and gender analysis and that it extend the requirement for a gender impact assessment of new legislation to ongoing legislative and policy measures.**

Harmful practices

27. The Committee takes note of the plans of the State party to adopt provisions on its extraterritorial obligations with regard to the elimination of female genital mutilation and other harmful practices, in the context of its planned ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). It notes the following with concern:

(a) Reports of the forced medical treatment, including the sterilization of and administration of contraceptives to women with disabilities, in particular women and girls with intellectual disabilities in State institutions, without their free and informed consent;

(b) The performance of medically irreversible sex reassignment surgery on intersex persons, a practice which is defined as non-consensual, unnecessary genital surgery and includes other comparable procedures that violate the physical integrity of such individuals;

(c) The lack of support for intersex persons who have undergone involuntary and medically unnecessary disfiguring surgical procedures when they were infants or children, often with irreversible consequences, resulting in significant physical and psychological suffering.

28. **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party:**

(a) **Take measures to enforce the provisions of the Act of 10 December 2009 regarding respect for the opinion of the patient, stop the administration of non-consensual contraception and sterilization or medical treatment, including when consent is given by a third party, and ensure that women with disabilities have equal access to sexual and reproductive health services;**

(b) **Specifically prohibit non-consensual sex reassignment surgery on intersex persons, develop and implement a rights-based health-care protocol for intersex children that requires medical doctors to inform intersex children about all available options and requires their involvement in decision-making about medical interventions and the full respect of their choices;**

(c) **Adopt legal provisions to provide redress to intersex persons who are victims of surgical or other medical interventions performed without their free, prior and informed consent or that of their parents.**

Gender-based violence against women

29. The Committee notes the following with concern:

(a) The significant delays in the adoption of legislation necessary for ratifying the Istanbul Convention, which was signed in 2011;

(b) The absence of provisions on gender-based violence against women with disabilities and on all forms of psychological violence in the current proposal for the ratification of the Istanbul Convention;

(c) The absence of a specialized helpline for victims of gender-based violence against women that is available 24 hours a day and free of charge;

(d) The lack of systematic capacity-building for professionals dealing with women and girls who are victims of gender-based violence, including judges, law enforcement officers, migration officers, social workers, medical staff and teachers;

(e) The insufficient resources allocated to shelters for women and girls who are victims of gender-based violence and the overcrowding of existing shelters;

(f) That women living in de facto unions and sharing leases are not adequately protected by legislation on domestic violence as a result of restrictions on the application of expulsion orders;

(g) The insufficient analysis of the reasons for the recent decrease in requests for protection orders;

(h) That data collection does not cover all forms of gender-based violence, such as female genital mutilation, forced marriage, forced sterilization and sexual

harassment, which impedes the assessment of the situation and data-driven policymaking.

30. **The Committee recommends that the State party, in line with its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19:**

(a) **Expedite the ratification of the Istanbul Convention;**

(b) **Introduce a disability perspective and a comprehensive definition of psychological violence in the legislative proposal for ratifying the Istanbul Convention;**

(c) **Encourage victims to report gender-based violence, including by establishing a specialized 24-hour toll-free helpline;**

(d) **Strengthen capacity-building on the Convention on the Elimination of All Forms of Discrimination against Women and on general recommendation No. 35 for judges, law enforcement officers, lawyers, migration officers, social workers, medical staff, teachers and other professionals dealing with women and girls who are victims of gender-based violence;**

(e) **Increase the human, technical and financial resources allocated to shelters for women and girls who are victims of gender-based violence and increase the number of shelters to address overcrowding;**

(f) **Extend protections against domestic violence, including the possibility of applying for protection orders, to women in de facto unions sharing leases with their abusive partners;**

(g) **Analyse the reasons for the recent decrease in requests for protection orders;**

(h) **Expand the collection of disaggregated data on gender-based violence to cover female genital mutilation, forced marriage, forced sterilization and sexual harassment and provide, in its next periodic report to the Committee, information on the number of: (i) cases of violence against women that have been investigated and prosecuted, including information on the sanctions imposed on perpetrators; (ii) women who are victims of violence and who have been provided with legal assistance and relevant support services; (iii) women who are victims of violence and who have been compensated; and (iv) protection orders issued.**

Trafficking and exploitation of prostitution

31 The Committee welcomes the legislative and institutional measures taken by the State party to combat trafficking in persons. It notes the following with concern, however:

(a) The lack of publicly available comprehensive, disaggregated data on victims of trafficking;

(b) The low prosecution and conviction rates in trafficking cases for the year 2017, partly due to delays in criminal proceedings, and the lack of victim and witness protection measures in place;

(c) The lack of provisions on universal jurisdiction in its criminal legislation, allowing for the investigation, prosecution and punishment of cross-border crimes;

(d) That the definition of trafficking in its Penal Code is less specific than the one in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against

Transnational Organized Crime and does not define responsibilities for cross-border crimes;

(e) The lack of gender-sensitive capacity-building for the judiciary on the application of legislation on trafficking in persons, in particular women and girls;

(f) The lack of a standardized procedure for the early identification of women and girls who are victims of trafficking and their referral to appropriate social services, which may result in migrant women and girls being detained in asylum centres rather than referred to shelters;

(g) The insufficient resources allocated to gender-sensitive support services for victims of human trafficking, including legal assistance, medical treatment, psychosocial counselling and rehabilitation.

32. **The Committee recommends that the State party:**

(a) **Periodically collect, analyse and publish comprehensive data on trafficking, disaggregated by sex, and include such data in its next periodic report;**

(b) **Expeditiously investigate, prosecute and punish all cases of trafficking in women and girls, ensure that the sentences imposed on perpetrators are commensurate with the gravity of the crime and develop and implement victim and witness protection programmes;**

(c) **Introduce provisions on universal jurisdiction in its criminal law;**

(d) **Amend its Penal Code to bring its definition of trafficking in line with the Trafficking in Persons Protocol and define in its legislation the responsibilities for cross-border crimes;**

(e) **Strengthen capacity-building for judges, prosecutors, lawyers and law enforcement professionals on the strict application of criminal law provisions on trafficking and on the gender-sensitive application of legislation on victim support;**

(f) **Adopt regulations on early identification of women and girls who are victims of trafficking and their referral to appropriate social services and ensure a gender-sensitive approach when considering asylum applications, including by explicitly recognizing gender-based violence against women as grounds for protection;**

(g) **Allocate sufficient resources to ensure that women and girls who are victims of trafficking have access to gender-sensitive support services, including by strengthening the human, technical and financial resources of the police and non-governmental organizations operating in that field.**

33. The Committee welcomes the adoption of the law strengthening the fight against the exploitation of prostitution, procuring and human trafficking for sexual purposes, and the development of a national action plan on prostitution. It is concerned, however, about the following:

(a) That hotspots for sexual exploitation and forced prostitution, including the entertainment industry, bars and massage parlours, are not regularly monitored;

(b) That the law on prostitution does not effectively protect women in prostitution from exploitation, as their particular vulnerability needs to be established to criminalize acts of clients who use sexual services that are linked to the exploitation of prostitution, and that it exempts clients from prosecution when they disclose information on procuring or trafficking rings;

(c) That insufficient resources are dedicated to implementing the action plan on prostitution, especially to reduce demand, and to extending support and exit programmes for women in prostitution to those working in apartments and other settings.

34. **The Committee recommends that the State party ensure that women in prostitution are decriminalized in all settings and that it:**

(a) **Monitor locations where women are exposed to a heightened risk of forced prostitution, in order to identify victims;**

(b) **Ensure the effective protection of women in prostitution from exploitation, including by reviewing its criminal law provisions on the exploitation of prostitution in consultation with the Advisory Commission on Human Rights, especially the requirement of proving the vulnerability of victims and the exemption from prosecution of clients if they disclose information on procuring or trafficking rings;**

(c) **Enhance resource allocation to ensure the implementation of the action plan on prostitution, especially the planned measures to reduce demand for prostitution, and to provide support and exit programmes to women in prostitution in all settings.**

Participation in political and public life and in decision-making

35. The Committee welcomes the finalization of a strategy to achieve a better balance between women and men in decision-making and the awareness-raising activities, carried out in the context of the 2017 municipal elections, about the low levels of representation of women in political life at the local level. It is concerned, however, that the proportion of women among leaders of major political parties remains low and that representation of women in elected bodies at the communal level has decreased. The Committee is further concerned that the special measures adopted by the State party with a view to achieving substantive gender equality, such as minimum quotas for electoral lists of political parties and in the Council of State, may not be strong enough to ensure effective implementation, that they are gender-blind and that they do not apply at the local level.

36. **The Committee recommends that the State party strengthen its temporary and permanent special measures and financial incentives for political parties, with a view to achieving the equal representation of women on electoral lists and in the Chamber of Deputies and in the Council of State, including by reviewing those measures to specifically address women, creating incentives for political parties to give priority to women who stand for election and extending such measures to local elections.**

Women and peace and security

37. The Committee regrets the absence of a national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security, which has a negative impact on the participation of women in peace processes.

38. **The Committee recommends that the State party adopt a national plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security.**

Education

39. The Committee welcomes the Girls' Day-Boys' Day initiative and its plan to provide educational materials free of charge at the secondary level of education. It notes the following with concern, however:

(a) The underrepresentation of women among presidents and on boards of universities;

(b) The absence of specific education on gender equality and on the rights of women in school curricula;

(c) The low enrolment rate of women, especially migrant women from non-European countries, in tertiary education;

(d) The concentration of women in traditionally female-dominated fields of study and career paths;

(e) Reports of bullying and violence towards migrant and lesbian, bisexual and transgender girls and adolescents and intersex children and adolescents in school settings.

40. **The Committee recommends that the State party:**

(a) **Take appropriate measures to improve the representation of women in decision-making positions of academic institutions;**

(b) **Incorporate specific education on gender equality and girls' and women's rights into school curricula at all levels;**

(c) **Address structural barriers that deter girls from progressing beyond secondary education;**

(d) **Adopt a gender-sensitive approach to career guidance, including on the basis of role models, in order to encourage girls to enrol in traditionally male-dominated fields of study, such as mathematics, information technology and science, and to pursue non-traditional career paths, and train teachers at all levels of the educational system on ways to prevent stereotyping;**

(e) **Enable victims to confidentially report cases of bullying and expressions of discriminatory sentiments in educational institutions, including against migrant and lesbian, bisexual and transgender girls and adolescents and intersex children and adolescents, and ensure that those responsible receive adequate sanctions.**

Employment

41. The Committee welcomes the successful reduction in its gender pay gap, which was at 5.4 per cent in 2017, the adoption of the Act of 3 November 2016 amending the law on parental leave and the creation of the Female Board Pool. It remains concerned, however, about the following:

(a) The 17.8 per cent gender gap in full-time employment and the fact that 36.1 per cent of women are engaged in part-time employment, illustrating an unequal division of family responsibilities between women and men;

(b) The low number of children between the age of 3 and school age in childcare facilities;

(c) Regulations that exclude part-time employment for most managerial positions and the low levels of representation of women in decision-making positions in both the public sector and on the boards of major enterprises;

(d) The fact that women domestic workers are still not fully covered by social and labour protections, for reasons that include the pending ratification of the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.

42. **The Committee recommends that the State party:**

(a) **Create more opportunities for women to gain access to full-time employment, including by adopting measures to eliminate occupational segregation in the public and private sectors and reinforcing the promotion of equal sharing of domestic and family tasks between women and men;**

(b) **Expand the offer of childcare facilities, especially for children between the age of 3 and school age;**

(c) **Enhance the participation of women in decision-making posts in the public and private sector, including by taking legal action to allow for part-time opportunities in all high-level positions and by adopting temporary special measures to reach the target of 40 per cent women on boards of public institutions and private enterprises;**

(d) **Expedite the ratification of the Domestic Workers Convention, in line with the commitment made by the State party in 2013 in the context of the second review cycle of the universal periodic review mechanism of the Human Rights Council.**

Sexual harassment in the workplace

43. The Committee welcomes the conduct by the Ministry of Education, Children and Youth of a survey identifying the various forms of sexual harassment, the designation of focal points for sexual harassment in the different ministries and the establishment of labour inspection units to prevent sexual harassment.

44. **The Committee recommends that the State party:**

(a) **Conduct studies on the prevalence of sexual harassment in the private sector and encourage employers to conduct regular reviews of company culture to prevent such harassment;**

(b) **Raise awareness of the discriminatory nature of sexual harassment, with a view to stopping it;**

(c) **Specifically criminalize sexual harassment and provide for adequate sanctions;**

(d) **Expeditiously implement plans to establish a confidential and safe system for filing complaints relating to sexual harassment in the workplace.**

Health

45. The Committee welcomes the signature, on 17 July 2013, of the common policy for the promotion of emotional and sexual health and the increase in the State party's contribution to the United Nations Population Fund to support the "She decides" movement. It is concerned, however, about the following:

(a) The insufficient dissemination and implementation of the national programme on the promotion of emotional and sexual health and the uncertainties as to the resources allocated for the promotion of emotional and sexual health in schools and among professionals;

(b) The absence of measures taken to facilitate access of stateless persons to health care, especially given the costs of health services in the State party;

(c) The high number of women suffering from depression in the State party, especially migrant women and girls;

(d) The persistently high rates of tobacco abuse among girls, in spite of the continuous limitation of smoking environments;

(e) The time limits restricting the ability of persons who have undergone medically irreversible sex-reassignment surgery and who have suffered related consequences to claim compensatory damages.

46. **In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Disseminate information on the national programme on the promotion of emotional and sexual health and allocate adequate human, technical and financial resources for its effective implementation, including for the introduction of age-appropriate education on sexual and reproductive health and rights in school curricula, in line with the commitment made by the State party in 2013 in the context of the universal periodic review, and for the corresponding training of professors and professionals in the educational and health sectors;**

(b) **Facilitate access by stateless persons to health services, including by providing financial support to cover the high costs of health services;**

(c) **Identify and address structural factors adversely affecting the mental health of women and girls, especially migrant women and girls;**

(d) **Strengthen gender-sensitive interventions in the context of the national plan to combat smoking, 2016–2020, and guarantee the allocation of sufficient human, technical and financial resources for its implementation;**

(e) **Repeal time limits on the ability to claim compensatory damages for medically irreversible sex reassignment surgery and related consequences.**

Economic empowerment of women and social benefits

47. The Committee welcomes the launch of the Female Entrepreneurship Ambassadors Luxembourg network. It is concerned, however, about the following:

(a) The lack of a strategic approach to enhancing conditions for women who aim to create and manage enterprises in the State party, as well as insufficient funding opportunities for enterprises led by women;

(b) The fact that self-employed women are at a disadvantage with regard to the full enjoyment of social security and maternity benefits;

(c) The fact that 44 per cent of single-headed households, led predominantly by women, are living on an income below the national poverty threshold;

(d) The lack of data on women investors in open-end investment companies (sociétés d'investissement à capital variable) and closed-end investment companies (sociétés d'investissement à capital fixe) and on women landowners.

48. **The Committee recommends that the State party:**

(a) **Periodically analyse the situation of women entrepreneurs in the State party and develop a strategy for supporting the initiation and continuation of their economic initiatives, covering the full range from microenterprises to macroenterprises;**

(b) **Ensure that employed, unemployed and self-employed mothers and fathers are covered by social security and maternity benefits and delink the**

calculation of maternity benefits from income fluctuations, which are typical in self-employment;

(c) Strengthen initiatives to address poverty and the precarious employment of women heads of households;

(d) Collect and provide data on women investors in open-end and closed-end investment companies, as well as on women landowners.

Women and girls belonging to religious minority groups and migrant, refugee and asylum-seeking women and girls

49. The Committee welcomes the introduction of intercultural mediators in school environments. The Committee is concerned, however, that all applications for international protection relating to female genital mutilation have been rejected, although gender-related persecution is a relevant factor in asylum decisions in the State party. It is also concerned that Jewish and Muslim women and girls in the State party are subjected to anti-Semitic tendencies and Islamophobia, respectively. It is, moreover, concerned that migrant women and girls, especially those of non-European origin and, in particular, Muslim women and girls, as well as asylum-seeking and refugee women and girls, face intersecting forms of discrimination, resulting in the following:

(a) Lower school performance among migrant girls, especially those of non-European origin, and their low participation in higher education, in large part due to requirements in vernacular language, differences in language regimes between the general and technical tracks of secondary education and economic difficulties;

(b) The low employment rate among women migrants of non-European origin, partly due to requirements in vernacular language, which represent a barrier for employment in the public and private sectors;

(c) A rise in Islamophobic acts and hate speech against Muslim women and girls, as well as against refugee and asylum-seeking women and girls, especially on the Internet.

50. **In line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

(a) Facilitate access by migrant girls, especially those of non-European origin, to higher secondary education, including by providing financial support, rendering language requirements in the educational system more flexible and addressing differences in language regimes between the general and technical tracks of secondary education;

(b) Integrate migrant women of non-European backgrounds into the labour market, including by rendering language requirements that are perceived as barriers to employment in the public and private sectors more flexible, increasing opportunities for learning the required languages and ensuring the strict application of legislation on discrimination in the labour market;

(c) Strengthen action to combat all forms of discrimination against women and girls belonging to religious minority groups, including through further public awareness-raising in general on the advantages of a diverse society and by raising awareness among women and girls of their rights and available remedies;

(d) Establish a mechanism to monitor and counter hate speech, including on social media, against racial, ethnic, sexual and religious minority groups, as

well as hate speech based on nationality and migration status, in line with article 457 of its Penal Code, referring to article 454;

(e) Ensure the application of a gender-sensitive approach in receiving refugee and asylum-seeking women and in considering asylum claims, including by training immigration officers on gender-sensitive interviewing techniques, grant asylum to women who request international protection on the basis of their risk of female genital mutilation and ensure that the protection needs of asylum-seeking and refugee women and girls arriving in the State party are addressed as a priority concern.

Marriage and family relations

51. The Committee welcomes the adoption of the Act of 4 July 2014 on marriage reform, which authorizes same sex marriages and advancements in the reform of divorce and parental authority and in the revision of the law on filiation. It notes the following with concern, however:

(a) That women in de facto unions and same-sex couples are placed at a disadvantage with regard to the distribution of property upon dissolution of their union and to the recognition of paternity in cases of medically assisted procreation and in the adoption of stepchildren;

(b) That the adoption of regulations to remedy gender disparities and economic shortfalls upon divorce is still pending.

52. The Committee recommends, in line with its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, that the State party:

(a) Harmonize the treatment of all women, including those in de facto unions and same-sex relationships, with regard to the distribution of property upon dissolution of their union or relationship and to the recognition of paternity in cases of medically assisted procreation and in the adoption of stepchildren, regardless of their civil status;

(b) Expedite the adoption of the draft law establishing a family court and of corresponding regulations.

Beijing Declaration and Platform for Action

53. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

2030 Agenda for Sustainable Development

54. The Committee calls for the achievement of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

Dissemination

55. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Chamber of Deputies and the judiciary, to enable their full implementation.

Ratification of other treaties

56. The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of all Persons from Enforced Disappearance, to which it is not yet a party.

Follow-up to concluding observations

57. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 14, 16 (a), 38 and 50 (d) above.

Preparation of the next report

58. The Committee requests the State party to submit its eighth periodic report in March 2022. The report should be submitted on time and, in case of delay, should cover the entire period up to the time of its submission.

59. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.